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Dated: April 16, 2008 Signature: /Monica A. Kolinsky/  
(Monica A. Kolinsky)

Docket No.: 289550.122 US2  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:  
Christopher P. Marshall, et al.

Patent No.: 7,037,894

Issued: May 2, 2006

Application No.: 09/837,235

For: STABILIZED PROTEINS

Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION**  
**PURSUANT TO 37 CFR 1.322**

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted the following error which should be corrected.

On the title page of the patent:

Item (75) Inventors, lists the inventor "Paul B. Marshall, Munich (DE)."

As described in detail below and shown in Exhibits A – C filed herewith, Paul B. Marshall was properly deleted as an inventor during prosecution of the above-identified nonprovisional application.

An Amendment and Response Pursuant to 37 C.F.R. § 1.312 was filed on February 3, 2005 (attached hereto as Exhibit A) and filed therewith was a Petition to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(b) (see Exhibit A, Amendment and Response at pages 9 and 15) to delete Paul B. Marshall as a co-inventor of the nonprovisional application. A Patent Office communication mailed on March 2, 2006 (attached hereto as Exhibit B) stated as follows: "In

view of the papers filed 2/3/2005, the inventorship in this nonprovisional application has been changed by the deletion of Paul B. Marshall. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected." Furthermore, a Bibliographic Data Sheet (attached hereto at Exhibit C) having a Mail Room Date of March 10, 2006 according to PAIR, lists the correct co-inventors under the heading "Applicants." Thus, the Patent Office acknowledged and acted upon the change of inventorship before the application became a patent.

Pursuant to 37 C.F.R. § 1.322, and in view of the above showings, Patentee respectfully requests the issuance of a Certificate of Correction in the above-identified patent. Filed herewith is a proposed Certificate of Correction.

No fees are believed due in connection with this request. However, please charge any additional costs or credit any overpayment to Deposit Account No. 08-0219.

Dated: April 16, 2008

Respectfully submitted,

By: Monica A. Kolinsky  
Monica A. Kolinsky, Ph.D.  
Registration No.: 58,336  
WILMER CUTLER PICKERING  
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## **EXHIBIT A**



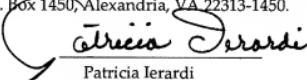
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/837,235 Art Unit: 1652  
Applicant: Christopher Marshall *et al.* Examiner: Tekchand Saidha  
Date Filed: April 18, 2001 Conf. No. 1399  
Docket No. 289550-122US2 Cust. No. 28089  
Title: STABILIZED PROTEINS

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 604917491US 02/03/05  
Express Mail No. Date of Deposit



Patricia Jerardi

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE PURSUANT TO 37 C.F.R. § 1.312

Dear Sir:

Applicants gratefully note that the above-identified application was allowed on November 17, 2004.

Prior to the issuance of a patent on the instant application, Applicants respectfully request entry of the instant Amendment and Response pursuant to 37 C.F.R. § 1.312.

**Amendments to the Claims** are reflected in the listing of claims which begins on *page 2* of this paper.

Remarks begin on *page 9* of this paper.

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing and Status of Claims:**

Claims 1-9. (Canceled)

Claim 10. (Previously Presented): An isolated protein having a functional activity selected from the group consisting of an enzymatic activity, an antigen-binding activity, a protein-protein interaction activity, a DNA binding activity, a hormone activity, a receptor activity, a growth factor activity, and any combinations thereof, comprising at least one di-tyrosine cross-link, wherein at least one tyrosine of a di-tyrosine cross-link originates from a point mutation to tyrosine, and wherein the di-tyrosine cross-linked protein retains at least one functional activity displayed by the protein in the absence of di-tyrosine cross-linking.

Claim 11. (Previously Presented): The protein of claim 10, further comprising at least one amino acid which originates from a point mutation from tyrosine such that the amino acid is not cross-linked under cross-linking conditions.

Claim 12. (Previously Presented): The protein of claim 10, wherein the protein has enhanced stability compared to the same protein in the absence of di-tyrosine cross-linking.

Claim 13. (Previously Presented): The protein of claim 10, wherein the protein is an enzyme, an antibody, a hormone, a growth factor, a receptor, or a fragment of a hormone, a receptor, a growth factor, an enzyme or an antibody.

Claims 14-17. (Canceled)

Claim 18. (Previously Presented): A method for making a stabilized protein, wherein the protein has a functional activity selected from the group consisting of an enzymatic activity, an antigen-binding activity, a protein-protein interaction activity, a DNA binding activity, a hormone activity, a receptor activity, a growth factor activity, and any combinations thereof, comprising:

- (a) selecting one or more residue pairs in a polypeptide chain or chains for di-tyrosine cross-linking,
- (b) mutating at least one of the selected residues to tyrosine; and
- (c) cross-linking the residue pairs in the presence of an oxidant;

wherein the di-tyrosine cross-linked protein retains at least one functional activity displayed by the protein in the absence of di-tyrosine cross-linking, and

wherein at least one tyrosine of a di-tyrosine cross-link originates from a point mutation to tyrosine.

Claim 19. (Previously Presented): The method of claim 18, wherein the di-tyrosine cross-link reaction occurs in the presence of one or more oxidants selected from the group consisting of hydrogen peroxide, oxone, magnesium monoperoxyphthalic acid hexahydrate (MMPP), a photogenerated oxidant, ammonium persulfate, or any combination thereof.

Claim 20. (Previously Presented): The method of claim 19, wherein the di-tyrosine cross-linking is catalyzed by a catalyst selected from the group consisting of polyhistidine, Gly-Gly-His, a metalloporphyrin, a peroxidase or any combination thereof.

Claim 21. (Canceled)

Claim 22. (Previously Presented): The protein of claim 18, wherein the protein is a hormone, a receptor, a growth factor, an enzyme, an antibody, or a fragment of a hormone, a receptor, a growth factor, an enzyme or an antibody.

Claim 23. (Previously Presented): The protein of any of claims 10-13 or 22, wherein the protein is part of a pharmaceutical composition.

Claim 24. (Previously Presented): The protein of claim 23, wherein the pharmaceutical composition comprises a pharmaceutically acceptable carrier.

Claim 25. (Previously Presented): The protein of claim 23, wherein the pharmaceutical composition is suitable for *in vivo* use in humans.

Claim 26. (Previously Presented): The protein of any of claims 10-13, 22 or 27, wherein the protein is part of a kit.

Claim 27. (Previously Presented): The protein of claim 10, wherein the protein is a chimeric polypeptide comprising a hormone, a receptor, a growth factor, an enzyme, an antibody, or a fragment of an enzyme, a hormone, a growth factor, a receptor, or an antibody.

Claim 28. (Previously Presented): A composition comprising a protein of any of claims 10-13, 22 or 27.

Claim 29. (Previously Presented): The composition of claim 28, wherein the composition is part of a kit.

Claim 30. (Previously Presented): An isolated stabilized protein having a functional activity selected from the group consisting of an enzymatic activity, an antigen-binding activity, a protein-protein interaction activity, a DNA binding activity, a hormone activity, a receptor activity, a growth factor activity, and any combinations thereof, wherein the protein is obtained from a method comprising:

(a) selecting one or more residue pairs in a protein for di-tyrosine cross-linking;

(b) mutating at least one of the selected residues to tyrosine;

(c) isolating the protein; and

(d) cross-linking tyrosine residue pairs in the presence of an oxidant;

wherein the di-tyrosine cross-linked protein retains at least one functional activity displayed by the protein in the absence of di-tyrosine cross-linking, and

wherein at least one tyrosine of a di-tyrosine cross-link originates from a point mutation to tyrosine.

**Claim 31. (Previously Presented):** The protein of claim 30, further comprising at least one amino acid which originates from a point mutation from tyrosine such that the amino acid is not cross-linked under cross-linking conditions.

**Claim 32. (Previously Presented):** The protein of claim 18 or 30, wherein the protein has enhanced stability compared to the protein in the absence of di-tyrosine cross-linking.

**Claim 33. (Previously Presented):** The protein of claim 30, wherein the protein is an enzyme, a hormone, a growth factor, a receptor, an antibody, or a fragment of an enzyme, a hormone, a growth factor, a receptor, or an antibody.

**Claim 34. (Previously Presented):** The protein of claim 30, wherein the di-tyrosine cross-link reaction occurs in the presence of one or more oxidants selected from the group consisting of hydrogen peroxide, oxone, magnesium monoperoxyphthalic acid hexahydrate (MMPP), a photogenerated oxidant, ammonium persulfate, or any combination thereof.

Claim 35. (Previously Presented): The protein of claim 30, wherein the di-tyrosine cross-linking is catalyzed by a catalyst selected from the group consisting of polyhistidine, Gly-Gly-His, a metalloporphyrin, a peroxidase or any combination thereof.

Claim 36. (Previously Presented): The protein of claim 30, wherein the protein is a chimeric polypeptide comprising a hormone, a receptor, a growth factor, an enzyme, or an antibody, or a fragment of an enzyme, a hormone, a growth factor, a receptor, or an antibody.

Claim 37. (Previously Presented): A composition comprising a protein of claim 30 or 36.

Claim 38. (Previously Presented): A kit comprising the protein of claim 30 or 36.

Claim 39. (Previously Presented): A kit comprising the composition of claim 37.

Claim 40. (New): The isolated protein of claim 10, wherein the isolated protein has an enzymatic activity.

Claim 41. (New): The isolated protein of claim 10, wherein the isolated protein has an antigen-binding activity.

Claim 42. (New): The isolated protein of claim 10, wherein the isolated protein has a protein-protein interaction activity.

Claim 43. (New): The isolated protein of claim 10, wherein the isolated protein has a DNA binding activity.

Claim 44. (New): The isolated protein of claim 10, wherein the isolated protein has a hormone activity.

Claim 45. (New): The isolated protein of claim 10, wherein the isolated protein has a receptor activity.

Claim 46. (New): The isolated protein of claim 10, wherein the isolated protein has a growth factor activity.

Claim 47. (New): The protein of claim 13, wherein the protein is an enzyme or a fragment thereof.

Claim 48. (New): The protein of claim 13, wherein the protein is an antibody or a fragment thereof.

Claim 49. (New): The protein of claim 13, wherein the protein is a hormone or a fragment thereof.

Claim 50. (New): The protein of claim 13, wherein the protein is a growth factor or a fragment thereof.

Claim 51. (New): The protein of claim 13, wherein the protein is a receptor or a fragment thereof.

REMARKS

I. Amendments to the Claims:

Claims 10-13, 18-20, and 22-39 were allowed in the instant application (*see*, Notice of Allowability).

Claims 40-51 are newly added. Claims 40-46 are dependent claims of allowed claim 10 reciting each member of the Markush group of claim 10. Claims 47-51 are dependent claims of allowed claim 13 reciting each member of the Markush group of claim 13. No new matter has been added by way of these amendments to the claims.

II. Request to Change Attorney Docket Number and add Customer Number:

The Notice of Allowance (**Attachment A**) and the Patent Application Information Retrieval (PAIR) System (**Attachment B**), both incorrectly state that the Attorney Docket No. for the instant application is 9725-005. Applicants respectfully request that the Attorney Docket No. for the above-referenced application be corrected from 9725-005 to 289550-122US2.

PAIR also does not provide a Customer Number for the instant application (*see*, **Attachments B and C**). Applicants respectfully request that PAIR be updated to indicate that the Customer Number for this application is 28089.

III. Request to Correct Priority Data:

Applicants note that although the filing receipt mailed June 19, 2001 correctly identifies the priority data for the instant application, PAIR only provides part of the priority data for the instant application (**Attachment C**).

Applicants state that the correct priority data for this application is as follows: the instant application is a continuation-in-part (CIP) of PCT/US00/28595, filed October 16, 2000, which claims the benefit of U.S. Provisional Application No. 60/159,763, filed October 15, 1999.

Applicants respectfully request that the patent that issues from the instant application issue with the correct priority data.

**IV. Clarification:**

Applicants inadvertently incorporated a section in the Amendment and Response filed February 4, 2004, referring to an obviousness-type double patenting rejection over U.S. Serial No. 09/214,645.

Applicants respectfully assert that this was a clerical error, and there was never any double patenting rejection in this case over U.S. Serial No. 09/214,645.

**V. Request for Initialing Supplemental Information Disclosure Statement:**

Applicants note that the PTO Form-1449 filed with the Supplemental Information Disclosure Statement of March 15, 2004 (**Attachment D**) was not initialed by the Examiner. Applicants respectfully request that the Examiner initial and return the PTO Form-1449, if the references cited therein had been considered by the Examiner.

**VI. Petition To Correct Inventorship pursuant to 37 C.F.R. § 1.48(b):**

Attached herewith as **Attachment E** is a petition to correct inventorship in this application to delete Paul B. Marshall as a co-inventor.

Applicants respectfully request that the patent that issues from this application issue with the correct inventorship.

CONCLUSION

Upon entry of the instant amendment, claims 10-13, 18-20, and 22-51 will be pending in the instant application. Claims 10-13, 18-20, and 22-39 have been allowed in the instant application.

If the Examiner believes that further discussion would be helpful, the Examiner is respectfully requested to telephone the undersigned attorney at (212) 937-7233.

Other than the fees associated with the Petition for Correction of Inventorship, no other fees are believed to be due in connection with this filing. However, if any fees are due, the Commissioner is hereby authorized to charge any fee(s) that may be necessary in this application to Deposit Account No. 08-0219, Order No. 289550-122US2.

Respectfully submitted,

WILMER CUTLER PICKERING  
HALE AND DORR LLP

Date: February 3, 2005

By:

  
Jane M. Love, Ph.D.  
Registration No. 42,812  
Attorney for Applicants

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APPL. NO.: 09/837,235  
AMDT. UNDER 37 C.F.R. § 1.312  
AMDT. DATED FEBRUARY 3, 2005  
PAGE 11 OF 15

DOCKET NO. 289550-122 US2

ATTACHMENT A

A copy of page 1 of the Notice of Allowance and Fee(s) due in the instant application.

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

11/17/2004

Jane M. Love, Ph.D.  
Hale and Dorf LLP  
300 Park Avenue  
New York, NY 10022

EXAMINER  
SAIDHA, TEKCHAND

ART UNIT	PAPER NUMBER
1652	

DATE MAILED: 11/17/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,235	04/18/2001	Christopher P. Marshall	9725-005	1399

TITLE OF INVENTION: STABILIZED PROTEINS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$685	\$300	\$985	02/17/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

APPL. NO.: 09/837,235  
AMDT. UNDER 37 C.F.R. § 1.312  
AMDT. DATED FEBRUARY 3, 2005  
PAGE 12 OF 15

DOCKET NO. 289550-122 US2

**ATTACHMENT B**

Attached is a copy of a print out from PAIR for the instant application showing that it has an incorrect Attorney Docket Number and no Customer Number.



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Search results as of: 1-12-2005::16:46

**Search results for application number:09/837,235**

Application Number:	09/837,235	Customer Number:	
Filing or 371(c) Date:	04-18-2001	Status:	Allowed – Notice of Allowance Mailed – Issue Revision Completed
Application Type:	Utility	Status Date:	11-17-2004
Examiner Name:	SAIDHA, TEKCHAND	Location:	ELECTRONIC
Group Art Unit:	1652	Location Date:	-
Confirmation Number:	1399	Earliest Publication No:	US 2002-0061549 A1
Attorney/Docket Number:	9725-005	Earliest Publication Date:	05-23-2002
Class/ Sub-Class:	530/350	Patent Number:	-
First Named Inventor:	Christopher Marshall, Brooklyn, NY (US)	Issue Date of Patent:	-
Title Of Invention:	STABILIZED PROTEINS		

Select Search Option

Continuity Data  
 Image File Wrapper  
 Patent Term Adjustment History  
 Published Documents

**File History**

Date	Contents Description
12-10-2004	Sequence Forwarded to Pubs on Tape
12-01-2004	Workflow - File Sent to Contractor
11-17-2004	Mail Notice of Allowance
11-15-2004	Issue Revision Completed
11-15-2004	Notice of Allowance Data Verification Completed
11-15-2004	Notice of Allowability
08-31-2004	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
09-13-2004	Date Forwarded to Examiner
08-31-2004	Response after Non-Final Action
08-31-2004	Workflow incoming amendment IFW
07-08-2004	Mail Non-Final Rejection

APPL. NO.: 09/837,235  
AMDT. UNDER 37 C.F.R. § 1.312  
AMDT. DATED FEBRUARY 3, 2005  
PAGE 13 OF 15

DOCKET NO. 289550-122 US2

ATTACHMENT C

Attached is a copy of a print out from PAIR for the instant application showing that it has incomplete priority information.



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**Search results for application number: 09/837,235**

Application Number:	09/837,235	Customer Number:	
Filing or 371(c) Date:	04-18-2001	Status:	Allowed -- Notice of Allowance Mailed -- Issue Revision Completed
Application Type:	Utility	Status Date:	11-17-2004
Examiner Name:	SAIDHA, TEKCHAND	Location:	ELECTRONIC
Group Art Unit:	1652	Location Date:	-
Confirmation Number:	1399	Earliest Publication No:	US 2002-0061549 A1
Attorney Docket Number:	9725-005	Earliest Publication Date:	05-23-2002
Class/ Sub-Class:	530/350	Patent Number:	-
First Named Inventor:	Christopher Marshall, Brooklyn, NY (US)	Issue Date of Patent:	-
Title Of Invention:	STABILIZED PROTEINS		

Select Search Option

Image File Wrapper

File History

Patent Term Adjustment History

Published Documents

Parent Continuity Data			
Description	Parent Number	Parent Filing or 371(c) Date	Parent Stat
This application claims benefit of Provisional Application	60/159,763	10-15-1999	Abandoned

**Child Continuity Data**

No Child Continuity Data Found.

APPL. NO.: 09/837,235  
AMDT. UNDER 37 C.F.R. § 1.312  
AMDT. DATED FEBRUARY 3, 2005  
PAGE 14 OF 15

DOCKET NO. 289550-122 US2

**ATTACHMENT D**

Attached is a copy of the PTO Form-1449 filed with the Supplemental IDS of March 15, 2004.



Sub. For, PTO-1449				Docket Number 289550.122 US2	Application Number 09/837,235
INFORMATION DISCLOSURE IN AN APPLICATION <i>(Use several sheets if necessary)</i>				Applicant Marshall et al.	
Sheet	1	OF	1	Filing Date April 18, 2001	Group Art Unit 1652

U.S. Patent Documents						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,747,654	5/5/1998	Pastan et al.			
Foreign Patent Documents						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	Supplementary European Search Report (EP00973574.7)					YES NO
Other Documents ( Including Author, Title, Date, Pertinent Pages, etc.)						
	Stachel et al., 1998, "Stabilization of a C7 Equatorial Gamma Tum in DMSO-d6 by a Dityroptophan Crosslink", Bioorganic and Medicinal Chemistry 6:1439-1446.					
	Malencik and Anderson, 1994, "Dityrosine Formation in Calmodulin: Conditions for Intermolecular Cross-Linking", Biochemistry 33:13363-13372.					
	Brown et al., 1995, "Highly Specific Oxidative Cross-Linking of Proteins Mediated by a Nickel-Peptide Complex", Biochemistry 34:4733-4739.					
	Fancy and Kodadek, 1999, "Chemistry for the analysis of protein-protein interactions: rapid and efficient cross-linking triggered by long wavelength light", PNAS USA 96:6020-6024.					
	Campbell et al., 1998, "Protein Cross-Linking Mediated by Metalloporphyrins", Biorg. And Medicinal Chem. 6:1301-7.					
	Galeazzi et al., 1999, "In vitro peroxidase oxidation induces stable dimmers of -amyloid (1-42) through dityrosine bridge formation", Amyloid: Int. J. Exp. Clin. Investig. 6:7-13.					

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant.	

APPL. NO.: 09/837,235  
AMDT. UNDER 37 C.F.R. § 1.312  
AMDT. DATED FEBRUARY 3, 2005  
PAGE 15 OF 15

DOCKET NO. 289550-122 US2

ATTACHMENT E

Attached is a Petition to Correct Inventorship to delete Paul B. Marshall as a co-inventor of the instant application.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/837,235 Art Unit: 1652  
Applicant: Christopher Marshall *et al.* Examiner: Tekchand Saidha  
Date Filed: April 18, 2001 Conf. No. 1399  
Docket No. 289550-122US2 Cust. No. 28089  
Title: STABILIZED PROTEINS

CERTIFICATION UNDER 37 C.F.R. § 1.10

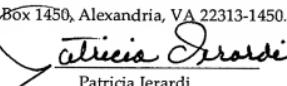
I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patricia Ierardi

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(b)

Dear Sir:

Applicants respectfully request that the inventorship of the above-referenced application be corrected by deleting **Paul B. Marshall** from the list of co-inventors on this application. This amendment to inventorship is required because the inventive subject matter of Paul B. Marshall is no longer being claimed in the instant application.

Upon entry of the instant petition to correct inventorship, the co-inventors of the instant application will be: Christopher P. Marshall, Alexander Hoffman and Joseph P. Errico. The assignee of the instant application will remain Avatar Medical, LLC.

Appl. No. 09/837,235  
Our Ref. No.: 289550.122US2  
Petition to Correct Inventorship under 37 C.F.R. § 1.48(b)

Please charge the processing fee set forth in 37 C.F.R. § 1.17(i) of \$130.00 to our Deposit Account No. 08-0219. No additional fees are believed to be due in connection with this filing; however, if any additional fees are due, the Examiner is requested to charge our Deposit Account No. 08-0219.

If there any questions regarding this matter, the Examiner is invited to telephone the undersigned at the telephone number given below.

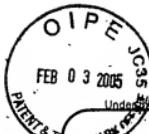
Respectfully submitted,

Dated: February 3, 2005



Jane M. Love, Ph.D.  
Reg. No. 42,812  
Attorney for Applicants

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/837,235
Filing Date	04/18/2001
First Named Inventor	Marshall, et al.
Art Unit	1652
Examiner Name	T. Saidha
Attorney Docket Number	289550-122US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  - Postcard  - Petition to Correct Inventorship
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wilmer Cutler Pickering Hale and Dorr LLP		
Signature			
Printed name	Jane M. Love, Ph.D.		
Date	02/03/2005	Reg. No.	42,812

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Patricia Lerardi		
Date	02/03/2005		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date of Mailing 02/03/2005



02-04-05

PTO/SB/17 (11-04)

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**PROCESSING FEE**

Under 37 CFR 1.17(i)

**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/837,235
Filing Date	04/18/2001
First Named Inventor	Marshall, et al.
Art Unit	1652
Examiner Name	T. Saidha
Attorney Docket Number	289550-122US2

Enclosed is a paper filed under 37 CFR 1.48(b) that requires a processing fee (37 CFR 1.17(i)).  
 Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 08-0219:
- processing fee under 37 CFR 1.17(i)     any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ \_\_\_\_\_ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
 Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature

Jane M. Love, Ph.D.

Typed or printed name

02/03/2005

Date

42,812

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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02/08/2005 FFANAEIA 00000001 080219 09837235

01 FC:1454

130.00 DA

Express Mail Label No.

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Date of Mailing: 02/03/05



### VERIFICATION OF MAILING BY EXPRESS MAIL

I, PATRICIA TIERARDI, state that I have mailed the documents identified on the attached Transmittal Form/Cover Sheet to the U.S. Patent and Trademark Office, addressed to:

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Alexandria, VA 22313-1450

via Post Office to Addressee, Label No. EV 604917491 US,  
at the FDR Post Office. I have made this verification after depositing the correspondence, but within one business day after depositing the correspondence.

  
(Signature)

Date of Deposit: 2/3/05  
Time of Deposit: 4:00 P.M.

Date of Signature: 2/3/05  
Time of Signature: 4:00 P.M.

Re: Application Number: 09/837,235  
Filing Date: 04/18/2001  
Title: Stabilized Proteins  
First Named Inventor: Marshall, et al.  
Attorney Docket Number: 289550-122US2  
Filed by: Jane M. Love, Ph.D.

Patricia Tierardi

## **EXHIBIT B**



## UNITED STATES PATENT AND TRADEMARK OFFICE

CL  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,235	04/18/2001	Christopher P. Marshall	9725-005	1399
7590	03/02/2006			
Jane M. Love, Ph.D. Hale and Dorr LLP 300 Park Avenue New York, NY 10022			EXAMINER SAIDHA, TEKCHAND	
			ART UNIT 1652	PAPER NUMBER

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

02282006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See Office Action enclosed here.

Correction of Inventorship

1. In view of the papers filed 2/3/2005, the inventorship in this nonprovisional application has been changed by the deletion of Paul B. Marshall.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tekchand Saidha whose telephone number is (571) 272 0940. The examiner can normally be reached on 8.30 am - 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (571) 272 0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tekchand Saidha  
Primary Examiner, Art Unit 1652  
Recombinant Enzymes, O2A65 Remsen Bld.  
400 Dulany Street, Alexandria, VA 22314  
Telephone : (571) 272-0940  
February 28, 2006

## **EXHIBIT C**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## \*BIBDATASHEET\*

Bib Data Sheet

CONFIRMATION NO. 1399

SERIAL NUMBER 09/837,235	FILING OR 371(c) DATE 04/18/2001 RULE	CLASS 530	GROUP ART UNIT 1652	ATTORNEY DOCKET NO. 9725-005
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## APPLICANTS

Christopher P. Marshall, Brooklyn, NY;  
Alexander Hoffman, Los Angeles, CA;  
Joseph P. Erico, Far Hills, CA;

## \*\* CONTINUING DATA \*\*\*\*\*

This application is a CIP of PCT/US00/28595 10/16/2000  
which claims benefit of 60/159,763 10/15/1999

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED.. SMALL ENTITY \*\*  
\*\* 06/18/2001

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY NY	SHEETS DRAWING 26	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 4
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature _____ Initials _____				

## ADDRESS

Jane M. Love, Ph.D.  
Hale and Dorr LLP  
300 Park Avenue  
New York ,NY 10022

## TITLE

STABILIZED PROTEINS

FILING FEE RECEIVED 1099	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,037,894

APPLICATION NO.: 09/837,235

ISSUE DATE : May 2, 2006

INVENTOR(S) : Christopher P. MARSHALL, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page, Item (75), Inventors  
Please delete "Paul B. Marshall, Munich (DE)"

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Monica A. Kolinsky, Ph.D.  
WILMER CUTLER PICKERING HALE AND DORR  
399 Park Ave., New York, NY 10022

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Privacy Act Statement

The **Privacy Act of 1974** (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.